

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HI QUOC TRUONG,

No. C-06-4235 MMC

Petitioner,

**AMENDED ORDER DIRECTING
PARTIES TO SUPPLEMENT RECORD**

v.

DAVID RUNNELS, Warden, High Desert
State Prison,

Respondent.

On May 13, 2010, the Court issued an order directing the parties to supplement the record with a copy of Trial Exhibit 10, which the Court identified as the CD of the dispatch tape. On further review of the transcript, it now appears to the Court that Trial Exhibit 10 is the tape recording itself and Trial Exhibit 9 is the CD. As it is more convenient for the Court to have the recording in CD format, the Court hereby AMENDS its prior order to substitute Trial Exhibit 9 for Trial Exhibit 10.

Additionally, although the Court has been provided with what appears to be a non-contemporaneously created transcript of the above-referenced dispatch tape (see Pet. at 34 & Ex. M), the record before the Court does not appear to contain what has been described in the underlying proceedings as the "CAD printout." (RT 1733; see RT 1336

1 (describing Trial Exhibit 24 as “printout” containing “columns of identifiers”; stating “it’s not a
2 transcript”).) Consequently, to complete the record herein as to the documents relevant to
3 petitioner’s Brady claim, as well as to petitioner’s ineffective-assistance claim to the extent
4 such claim is based on defense counsel’s reliance on dispatch communications, the parties
5 are hereby further directed to jointly submit, no later than June 3, 2010, a copy of Trial
6 Exhibit 24, specifically, the CAD printout. Further, with respect to the latter, and also to the
7 extent such claim is based on defense counsel’s failure to interview Tia Marie “Soyon”
8 Bradford, the parties are hereby directed to jointly submit a copy of Officer Fowlie’s police
9 report. (RT 1324.)

10 Lastly, as the precise nature of Exhibit M to the petition is unclear, the parties are
11 hereby directed to submit, in conjunction with the above, a joint stipulation setting forth the
12 date or approximate date on which said exhibit was created, the manner and by whom it
13 was prepared, and, if applicable, the date on which it was first provided to defense counsel.

14 **IT IS SO ORDERED.**

15 Dated: May 14, 2010

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17 MAXINE M. CHESNEY
18 United States District Judge
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